



City of Newport Beach

General Plan/LCP Implementation Committee Agenda

Newport Beach Civic Center – Corona del Mar Meeting Room

100 Civic Center Drive

Wednesday, June 26, 2013 - 3:30 p.m. to 5:30 p.m.

Committee Members:

Edward Selich, Council Member (Chair)
Rush Hill, Mayor Pro Tem
Nancy Gardner, Council Member
Michael Toerge – Planning Commission Chair
Bradley Hillgren – Planning Commission Vice Chair
Fred Ameri – Planning Commissioner

Staff Members:

Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director
Patrick Alford, Planning Manager

1) CALL MEETING TO ORDER

2) ROLL CALL

4) APPROVAL OF MINUTES

Recommended Action: Approve May 29, 2013 Minutes (attached)

5) CURRENT BUSINESS

- A. **Coastal Zone Mapping.** A presentation on how the Coastal Zone boundary was established and potential boundary adjustments.

Recommended Action: Discuss potential boundary adjustments; provide direction to staff.

- B. **Follow-up on Draft Implementation Plan Administrative Chapters.** Staff will provide additional information to questions on administrative chapters raised at the previous meeting.

- a. Level of specificity needed for land use regulations and discretionary permits
- b. Reasonable accommodations
- c. Special events requiring coastal development permits
- d. Required coastal development permit findings
- e. Coastal development exemptions
 - i. Existing single-family dwellings
 - ii. Time-share conversion
 - iii. Maintenance dredging
 - iv. Repair and maintenance of pilings
- f. Notice to non-residential occupants
- g. Appeals of emergency coastal development permits to the Coastal Commission

Recommended Action: Provide direction to staff, as necessary.

- C. **Newport Coast LCP.** The General Plan Amendment to transfer un-built, entitled hotel rooms in Newport Coast elsewhere in the City will also require an amendment to the Newport Coast LCP. Staff requests direction on how this amendment should be factored into the LCP certification process.

Recommended Action: Discuss the Newport Coast LCP; provide direction to staff.

6) COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

3) PUBLIC COMMENTS

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers.

7) ADJOURNMENT

This Committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Committee's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Committee. The Committee may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

Attachment No. 1

Draft Minutes – May 29, 2013

City of Newport Beach
General Plan/LCP Implementation Committee Minutes

Date: May 29, 2013

Location: Newport Beach Civic Center – 100 Civic Center Drive
Corona del Mar Meeting Room – Bay E - Room 1016

Members Present: Edward Selich, Council Member (Chair)
Nancy Gardner, Council Member
Michael Toerge, Planning Commission Chair
Fred Ameri, Planning Commission Secretary

Members Absent: Rush Hill, Mayor Pro Tem
Bradley Hillgren, Planning Commission Vice Chair

Staff: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director
Patrick Alford, Planning Manager

Public: Dorothy Kraus
James Mosher
Philip Bettencourt
Robert Hawkins
Kathy Crum
James Flattum
Thomas Mathews

I. Call Meeting to Order

The meeting was called to order at 3:30 p.m.

Members of the Committee, staff, and members of the public introduced themselves.

II. Declaration of Posting of the Agenda

Planning Manager Alford confirmed that the agenda was posted per City and State requirements.

III. Public Comment on Non-Agendized Items

Mr. Mosher commented on removal of trees at Villa Point and other areas without the benefit of coastal development permits.

IV. Approval of Minutes

The minutes of the April 24, 2013, meeting were approved as amended.

V. Draft Implementation Plan Administrative Chapters

Mr. Alford stated that the draft administrative chapters parallel those of the Zoning Code. He then went over each section of the draft administrative chapters, highlighting those sections that differed significantly from the content of the Zoning Code.

In response to a question from Planning Commission Chair Toerge, Mr. Alford described the how Newport Coast has its own certified LCP, which also serves as City zoning for that area.

Planning Commissioner Ameri expressed concern about having significant differences between the Newport Coast LCP and the LCP for the rest of the City. Community Development Director Brandt explained that Newport Coast is a stand-alone document and has many different standards.

Referring to Section 21.10.050.B.4, Chair Selich asked how inconsistencies are addressed. Mr. Alford responded that the standard that is most protective of coastal resources would prevail.

Planning Commission Chair Toerge commented that Section 21.12.020.B was confusing. Mr. Alford pointed out that the language was taken directly from the Zoning Code.

Referring to Section 21.12.020.E.1.e, Council Member Gardner asked how an unlisted land use would be permitted. Ms. Brandt explained that the Director would be required to make all of the findings in that section in order to authorize a use that is not provided for in the Code.

Planning Commission Chair Toerge asked about if the coastal area would appear blank on the Zoning Code Map. Mr. Alford explained that there would be two maps: a Zoning Code map that would cover the entire City and a Coastal Zoning map that would cover only the Coastal Zone.

Mr. Alford distributed a copy of a draft Coastal Zone Permit and Appeal Jurisdiction Map that was drawn for the 2006 certification effort.

In response to a question from Council Member Gardner, Mr. Alford and Ms. Brandt explained how the district map symbols in Section 21.14.030.B convey information on density and intensity.

In response to a question from Chair Selich, Mr. Alford explained that the basic land use and property development information of the Coastal Zone Planned Community Districts will have to be contained in the Draft IP.

In response to questions from Chair Selich regarding Section 21.14.040, Mr. Alford explained that the City may want to have permit jurisdiction of "historic tidelands" transferred to the City, referring to areas such as the Newport Dunes, Marina Park, and the Balboa Bay Club.

In response to a question from Chair Selich, Ms. Brandt said that staff would check with the Office of the City Attorney to determine whether reasonable accommodations (Section 21.16.020.F) could be granted to Draft IP provisions.

A general discussion ensued regarding Section 21.16.050, special events that require a coastal development permit. Responding to a question from Chair Selich, Mr. Alford said that staff would report back on any on-going events that may require a coastal development permit.

In response to a question from Chair Selich regarding Section 21.50.020.C, Mr. Alford explained that a good example of a project Marina Park was an example of a project that is bisected by City and Coastal Commission jurisdiction.

A general discussion ensued regarding Chapter 21.52, including the definition of development, exemptions for coastal development permits, required findings to approve a coastal development permit, and de minimis development.

In response to a question from Chair Selich, Mr. Alford stated that land use regulations will be the next section for the General Plan/LCP Implementation Committee to review.

VI. Update on Discussions with Coastal Commission Staff

Mr. Alford reported that staff had still not received feedback from the Coastal Commission staff on the bluff regulations. Ms. Brandt added that staff had hoped to work with Coastal Commission staff as the Draft IP was drafted, but recommended that the General Plan/LCP Implementation Committee proceed with the document and submit it to Coastal Commission staff as a whole.

At Chair Selich's request, Mr. Alford distributed a copy of the original Coastal Zone boundary map. Chair Selich requested that the General Plan/LCP Implementation Committee discuss the mapping of the Coastal Zone boundary at the next meeting.

VII. Public Comment

Mr. Mosher suggested potential adjustments to the Coastal Zone boundary.

VIII. Adjournment *Next Meeting Date: June 26, 2013, at 3:30 p.m.*

The agenda for the Regular Meeting was posted on May 24, 2013, at 10:15 a.m., on the City Hall Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive.

Edward Selich, Chair

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